

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK\_\_\_\_\_  
CARLOS GUERRERO,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, THE INCARNATION SCHOOL, CHURCH OF  
THE INCARNATION, and MONSIGNOR JOHN  
PADDACK,Defendants.  
\_\_\_\_\_

X

Date Index No. Purchased:

Index No.:


Plaintiff designates New York  
County as the place of trial.The basis of venue is  
Defendant's residence.**SUMMONS**

The Above-Named Defendants:

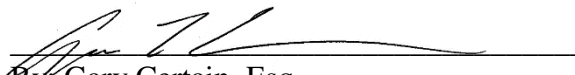
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
October 14, 2019

Yours, etc.,

By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-

By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

TO:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK  
1011 1<sup>st</sup> Avenue  
New York, NY 10022

THE INCARNATION SCHOOL  
570 West 175<sup>th</sup> Street  
New York, NY 10033

CHURCH OF THE INCARNATION  
1290 St. Nicholas Avenue  
New York, NY 10033

MONSIGNOR JOHN PADDACK  
The Roman Catholic Archdiocese of New York  
1011 1<sup>st</sup> Avenue  
New York, NY 10022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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CARLOS GUERRERO,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, THE INCARNATION SCHOOL, CHURCH OF  
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PADDACK,

Defendants.

\_\_\_\_\_X

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**VERIFIED COMPLAINT**

Plaintiff, Carlos Guerrero (“Plaintiff”), by his attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, brings this action against The Roman Catholic Archdiocese of New York (“Diocese”), the Incarnation School (“School”), the Church of the Incarnation (“Church”), and Monsignor John Paddack (“Monsignor Paddack”) and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

**JURISDICTION AND VENUE**

1. This action is brought pursuant to the Children Victims Act (“CVA”) (L. 2019 c. 11). *See* CPLR § 214-g and 22 NYCRR 202.72.
2. This Court has personal jurisdiction over the Diocese pursuant to CPLR §§ 301 and 302, in that the Diocese either resides in New York or conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.

3. This Court has personal jurisdiction over the School pursuant to CPLR §§ 301 and 302, in that the School either resides in New York or conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.

4. This Court has personal jurisdiction over the Church pursuant to CPLR §§ 301 and 302, in that the Church either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

5. This Court has personal jurisdiction over Monsignor Paddock pursuant to CPLR §§ 301 and 302, in that Monsignor Paddock either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

6. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

7. Venue for this action is proper in the County of New York pursuant to CPLR § 503 in that one or more of the defendants reside in this County, and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

### **PARTIES**

8. Whenever reference is made to any defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business affairs.

9. Plaintiff is an individual residing in New York County, New York. Plaintiff was an infant at the time of the sexual abuse alleged herein.

10. At all times material to the Verified Complaint, the Diocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

11. At all times material to the Verified Complaint, the Diocese was and remains authorized to conduct business under the laws of the State of New York.

12. At all times material to the Verified Complaint, the Diocese's principal place of business is 1011 1<sup>st</sup> Avenue, New York, NY 10022.

13. The Diocese oversees a variety of liturgical, educational, sacramental, and faith formation programs.

14. The Diocese has various programs that seek out the participation of children in its activities.

15. The Diocese, through its agents, servants, and/or employees has control over those activities involving children.

16. The Diocese has the power to employ individuals who work with children, and/or provide guidance and/or instruction under the auspices of Defendant Diocese, including but not limited to those at the School.

17. The Diocese has the power to employ individuals who work with children, and/or provide guidance and/or instruction under the auspices of Defendant Diocese, including but not limited to those at the Church.

18. At all times material to the Verified Complaint, the School was a religious educational institution affiliated with, associated with, or operating under the control of the Diocese.

19. At all times material to the Verified Complaint, the School was a religious educational institution affiliated with, associated with, or operating under the control of the Church.

20. At all times material to the Verified Complaint, the School was licensed to conduct business as a school in the State of New York.

21. At all times material to the Verified Complaint, the School maintained its principal place of business at 570 West 175<sup>th</sup> Street, New York, NY 10033.

22. At all times material to the Verified Complaint, the Church was and continues to be a religious New York State non-profit entity.

23. At all times material to the Verified Complaint, the Church maintained its principal place of business at 1290 St. Nicholas Avenue, New York, NY 10033.

24. At all times material to the Verified Complaint, the Church is a parish operating under the control of the Diocese.

25. At all times material to the Verified Complaint, the Church is a parish operating for the benefit of the Diocese.

26. At all times material to the Verified Complaint, Monsignor Paddack was an agent, servant, and/or employee of the Diocese.

27. At all times material to the Verified Complaint, Monsignor Paddack was an agent, servant, and/or employee of the School.

28. At all times material to the Verified Complaint, Monsignor Paddack was an agent, servant, and/or employee of the Church.

29. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Monsignor Paddack remained under the control and supervision of the Diocese.

30. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Monsignor Paddack remained under the control and supervision of the School.

31. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Monsignor Paddack remained under the control and supervision of the Church.

32. At all times material to the Verified Complaint, while an agent, servant and/or employee of the School, Monsignor Paddack remained under the control and supervision of the Diocese.

33. At all times material to the Verified Complaint, while an agent, servant and/or employee of the School, Monsignor Paddack remained under the control and supervision of the School.

34. At all times material to the Verified Complaint, while an agent, servant and/or employee of the School, Monsignor Paddack remained under the control and supervision of the Church.

35. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Church, Monsignor Paddack remained under the control and supervision of the Diocese.

36. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Church, Monsignor Paddock remained under the control and supervision of the School.

37. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Church, Monsignor Paddock remained under the control and supervision of the Church.

38. The Diocese placed Monsignor Paddock in positions where he had immediate access to children.

39. The School placed Monsignor Paddock in positions where he had immediate access to children.

40. The Church placed Monsignor Paddock in positions where he had immediate access to children.

**THE CATHOLIC CHURCH'S LONG HISTORY  
OF COVERING UP CHILD SEXUAL ABUSE**

41. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world including the Bishop of the Diocese. The instruction was binding upon the Bishop of the Diocese. The instruction directed that allegations and reports of sexual abuse of children by priests were required to be kept secret and not disclosed either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

42. Canon law requires Bishops to keep *subsecreto* files also known as confidential files. These files are not to be made public.

43. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual



misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downingtown Pennsylvania, and Ontario, Canada.

44. Sexual abuse of members of the public by Catholic clergy and agents of the Church has been a reality in the Catholic Church for centuries but has remained concealed by a pattern and practice of secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to all dioceses and in fact are part of the practices of each diocese, including the Diocese. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid 1980's as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual abuse throughout the United States. In spite of these revelations as well as the many criminal and civil legal actions the Church has been involved in as a result of sexual abuse of minors by clergy and other agents of the Church, the bishops and other Church leaders continued to pursue a policy of secrecy.

45. All of the procedures required in the so-called "Dallas Charter" to purportedly protect children have been previously mandated in the Code of Canon Law but were consistently ignored by Catholic bishops. In place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests from one local or diocesan assignment to another or from one diocese to another. The receiving parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of minors.

46. The truth concerning the extent of the frequency of sexual abuse at the hands of Catholic priests, other clergy and agents of the Church and Catholic Church's pervasive campaign to cover up such crimes continues to be revealed. In 2018, the State of Pennsylvania released a grand jury report releasing the name of over 300 "predator priests" in Pennsylvania alone who

committed acts of sexual abuse on more than a thousand children, while also noting that there were “likely thousands more victims whose records were lost or who were too afraid to come forward.”

The report’s opening remarks bear repeating here:

We, the members of this grand jury, need you to hear this. We know some of you have heard some of it before. There have been other reports about child sex abuse within the Catholic Church. But never on this scale. For many of us, those earlier stories happened someplace else, someplace away. Now we know the truth: it happened everywhere.

...

Most of the victims were boys; but there were girls too. Some were teens; many were prepubescent. Some were manipulated with alcohol or pornography. Some were made to masturbate their assailants or were groped by them. Some were raped orally, some vaginally, some anally. But all of them were brushed aside, in every part of the state, by Church leaders who preferred to protect the abusers and their institution above all.

47. The 2018 grand jury report found numerous, pervasive strategies employed by the Catholic Church which the report referred to collectively as a “playbook for concealing the truth.”

These measures include but are not limited to the following:

- Make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say “rape”; say “inappropriate contact” or “boundary issues.”
- Don’t conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.
- For an appearance of integrity, send priests for “evaluation” at Church-run psychiatric treatment centers. Allow these experts to “diagnose” whether the priest was a pedophile, based largely on the priest’s “self-reports” and regardless of whether the priest had actually engaged in sexual contact with a child.
- When a priest does have to be removed, don’t say why. Tell his parishioners that he is on “sick leave,” or suffering from “nervous exhaustion.” Or say nothing at all.

- Even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.
- If a predator's conduct becomes known to the community, don't remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.
- Finally, and above all, don't tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don't treat it that way; handle it like a personnel matter, "in house."

48. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

49. The sexual abuse of children and the Catholic Church's abhorrent culture of concealing these crimes are at the heart of the allegations complained of herein.

50. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

### **FACTS**

51. Plaintiff was raised in a devout Roman Catholic family and, in or around 1988, when Plaintiff was approximately ten (10) years old, Plaintiff began attending the School, a school within and under the auspices of the Diocese.

52. At all relevant times, Plaintiff participated in youth, educational, and/or religious activities at the School.

53. At all relevant times, Plaintiff participated in youth, educational, and/or religious activities at the Church.

54. Plaintiff received educational and religious instruction from the School.

55. Plaintiff received educational and religious instruction from the Church.

56. During and through these educational and religious instructional activities, Plaintiff, as a minor and vulnerable child, was dependent on the School and Monsignor Paddack.

57. During and through these educational and religious instructional activities, Plaintiff, as a minor and vulnerable child, was dependent on the Church and Monsignor Paddack.

58. During and through these educational and religious instructional activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Monsignor Paddack.

59. During and through these educational and religious instructional activities, the School had physical custody of Plaintiff and accepted the entrustment of Plaintiff.

60. During and through these educational and religious instructional activities, the Church had physical custody of Plaintiff and accepted the entrustment of Plaintiff.

61. During and through these educational and religious instructional activities, the Diocese had physical custody of Plaintiff and accepted the entrustment of Plaintiff.

62. During and through these educational and religious instructional activities, the School had assumed the responsibility of caring for Plaintiff and had authority over him.

63. During and through these educational and religious instructional activities, the Church had assumed the responsibility of caring for Plaintiff and had authority over him.

64. During and through these educational and religious instructional activities, the Diocese had responsibility of Plaintiff and authority over him.

65. Through Monsignor Paddack's positions at, within, or for the Diocese, Monsignor Paddack was put in direct contact with Plaintiff, a student at the School. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Monsignor Paddack, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

66. Through Monsignor Paddack's positions at, within, or for the School, Monsignor Paddack was put in direct contact with Plaintiff, a student of the School. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Monsignor Paddack, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

67. Through Monsignor Paddack's positions at, within, or for the Church, Monsignor Paddack was put in direct contact with Plaintiff, a student of the School. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Monsignor Paddack, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

68. On repeated occasions, while Plaintiff was a minor, Monsignor Paddack while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York, including the New York State Penal Law.

69. On repeated occasions, while Plaintiff was a minor, Monsignor Paddack, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the School, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York, including the New York State Penal Law.

70. On repeated occasions, while Plaintiff was a minor, Monsignor Paddack, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the Church, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York, including the New York State Penal Law.

71. The abuse occurred from approximately 1991 to 1994.

72. Plaintiff's relationship to the Diocese, as a vulnerable minor, student, parishioner and participant in school educational and religious instructional activities, was one in which Plaintiff was subject to the School's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Paddack's sexual abuse of him.

73. Plaintiff's relationship to the School, as a vulnerable minor, student, parishioner and participant in Church educational and religious instructional activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Paddack's sexual abuse of him.

74. Plaintiff's relationship to the Church, as a vulnerable minor, student, parishioner and participant in Church educational and religious instructional activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Paddack's sexual abuse of him.

75. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to the School to advise or provide any form of notice to the students or their parents, either verbally or in writing, that there were credible allegations against Monsignor Paddock and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

76. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to the Church to advise or provide any form of notice to the students or their parents, either verbally or in writing, that there were credible allegations against Monsignor Paddock and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

77. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Diocese.

78. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the School.

79. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Church.

80. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Monsignor Paddock, who sexually abused Plaintiff.

81. The School knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Monsignor Paddack, who sexually abused Plaintiff.

82. The Church knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Monsignor Paddack, who sexually abused Plaintiff.

83. The Diocese negligently or recklessly believed that Monsignor Paddack was fit to work with children and/or that any previous problems he had were fixed and cured; that Monsignor Paddack would not sexually molest children; and that Monsignor Paddack would not injure children.

84. The School negligently or recklessly believed that Monsignor Paddack was fit to work with children and/or that any previous problems he had were fixed and cured; that Monsignor Paddack would not sexually molest children; and that Monsignor Paddack would not injure children.

85. The Church negligently or recklessly believed that Monsignor Paddack was fit to work with children and/or that any previous problems he had were fixed and cured; that Monsignor Paddack would not sexually molest children; and that Monsignor Paddack would not injure children.

86. The Diocese had the responsibility to supervise and/or direct priests and other school educators and personnel serving at the School and specifically had a duty not to aid a pedophile such as Monsignor Paddack by assigning, maintaining and/or appointing him to a position with access to minors.



87. The School had the responsibility to supervise and/or direct priests and other school educators and personnel serving at the School and specifically had a duty not to aid a pedophile such as Monsignor Paddock by assigning, maintaining and/or appointing him to a position with access to minors.

88. The Church had the responsibility to supervise and/or direct priests and other school educators and personnel serving at the School and specifically had a duty not to aid a pedophile such as Monsignor Paddock by assigning, maintaining and/or appointing him to a position with access to minors.

89. By holding Monsignor Paddock out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

90. By holding Monsignor Paddock out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the School entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the School undertaking the care and guidance of the vulnerable minor Plaintiff, the School held a position of empowerment over Plaintiff.

91. By holding Monsignor Paddock out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Church entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Church undertaking the care and guidance of the vulnerable minor Plaintiff, the Church held a position of empowerment over Plaintiff.

92. The Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The Diocese thus entered into a fiduciary relationship with Plaintiff.

93. The School, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The School thus entered into a fiduciary relationship with Plaintiff.

94. The Church, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The Church thus entered into a fiduciary relationship with Plaintiff.

95. The Diocese had a special relationship with Plaintiff.

96. The School had a special relationship with Plaintiff.

97. The Church had a special relationship with Plaintiff.

98. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Monsignor Paddock posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

99. The School owed Plaintiff a duty of reasonable care because the School had superior knowledge about the risk that Monsignor Paddock posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

100. The Church owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Monsignor Paddack posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

101. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Monsignor Paddack out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Monsignor Paddack, to spend time with, interact with, and recruit children.

102. The School owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Monsignor Paddack out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Monsignor Paddack, to spend time with, interact with, and recruit children.

103. The Church owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Monsignor Paddack out as safe to work with children; encouraged parents and children to spend time with its agents;

and/or encouraged its agents, including Monsignor Paddack, to spend time with, interact with, and recruit children.

104. The Diocese owed Plaintiff a duty to protect Plaintiff from harm because the Diocese's actions created a foreseeable risk of harm to Plaintiff.

105. The School owed Plaintiff a duty to protect Plaintiff from harm because the School's actions created a foreseeable risk of harm to Plaintiff.

106. The Church owed Plaintiff a duty to protect Plaintiff from harm because the Church's actions created a foreseeable risk of harm to Plaintiff.

107. The Diocese's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Diocese, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

108. The School's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make

sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the School, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

109. The Church's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the School, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

110. The Diocese also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Monsignor Paddock posed and the risks of child sexual abuse by clerics and other church and school personnel.

111. The Diocese also failed to warn Plaintiff and Plaintiff's family about any of the knowledge that it had about child sexual abuse.

112. The School also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Monsignor Paddock posed and the risks of child sexual abuse by clerics and other church and school personnel.

113. The School also failed to warn Plaintiff and Plaintiff's family about any of the knowledge that it had about child sexual abuse.

114. The Church also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Monsignor Paddock posed and the risks of child sexual abuse by clerics and other church and school personnel.

115. The Church also failed to warn Plaintiff and Plaintiff's family about any of the knowledge that it had about child sexual abuse.

116. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Monsignor Paddock and/or its other agents to the police and law enforcement.

117. The School also violated a legal duty by failing to report known and/or suspected abuse of children by Monsignor Paddock and/or its other agents to the police and law enforcement.

118. The Church also violated a legal duty by failing to report known and/or suspected abuse of children by Monsignor Paddock and/or its other agents to the police and law enforcement.

119. By employing Monsignor Paddock at the School and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their

families that Monsignor Paddack did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Monsignor Paddack had a history of molesting children, and that the Diocese did not know that Monsignor Paddack was a danger to children.

120. By employing Monsignor Paddack at the School, the School through its agents, affirmatively represented to minor children and their families that Monsignor Paddack did not pose a threat to children, did not have a history of molesting children, that the School did not know that Monsignor Paddack had a history of molesting children, and that the School did not know that Monsignor Paddack was a danger to children.

121. By employing Monsignor Paddack at the School, the Church through its agents, affirmatively represented to minor children and their families that Monsignor Paddack did not pose a threat to children, did not have a history of molesting children, that the School did not know that Monsignor Paddack had a history of molesting children, and that the Church did not know that Monsignor Paddack was a danger to children.

122. By employing Monsignor Paddack at the Church, the Church through its agents, affirmatively represented to minor children and their families that Monsignor Paddack did not pose a threat to children, did not have a history of molesting children, that the Church did not know that Monsignor Paddack had a history of molesting children, and that the School did not know that Monsignor Paddack was a danger to children.

123. The Diocese induced Plaintiff and Plaintiff's family to rely on these representations, and they did rely on them.

124. The School induced Plaintiff and Plaintiff's family to rely on these representations, and they did rely on them.

125. The Church induced Plaintiff and Plaintiff's family to rely on these representations, and they did rely on them.

126. The Diocese has never publicly admitted the veracity of the allegations against Monsignor Paddock, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

127. The School has never publicly admitted the veracity of the allegations against Monsignor Paddock, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the School for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

128. The Church has never publicly admitted the veracity of the allegations against Monsignor Paddock, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Church for decades and continues through current day. The failure to disclose the identities of allegedly



sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

129. By allowing Monsignor Paddock to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Monsignor Paddock does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Monsignor Paddock has a history of molesting children and that the Diocese does not know that Monsignor Paddock is a danger to children.

130. The Diocese induced Plaintiff and Plaintiff's family to rely on these representations and they did rely on them.

131. By allowing Monsignor Paddock to remain in active ministry, the School, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Monsignor Paddock does not pose a threat to children, does not have a history of molesting children, that the School does not know that Monsignor Paddock has a history of molesting children and that the School does not know that Monsignor Paddock is a danger to children.

132. The School induced Plaintiff and Plaintiff's family to rely on these representations and they did rely on them.

133. By allowing Monsignor Paddock to remain in active ministry, the Church, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Monsignor Paddock does not pose a threat to children, does not have a history of molesting children, that the Church does not know that

Monsignor Paddock has a history of molesting children and that the Church does not know that Monsignor Paddock is a danger to children.

134. The Church induced Plaintiff and Plaintiff's family to rely on these representations and they did rely on them.

135. The Diocese ignored credible complaints about the sexually abusive behaviors of priests and/or teachers.

136. The School ignored credible complaints about the sexually abusive behaviors of priests and/or teachers.

137. The Church ignored credible complaints about the sexually abusive behaviors of priests and/or teachers.

138. The Diocese failed to act on obvious warning signs of sexual abuse, including instances where they were aware that priests had children in their private rooms in the rectory overnight, that priests were drinking alcohol with underage children and exposing them to pornography.

139. Even where a priest disclosed sexually abusive behavior with children, Diocese officials failed to act to remove him from ministry.

140. The Diocese engaged in conduct that resulted in the prevention, hinderance and delay in the discovery of criminal conduct by priests

141. The Diocese conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems.

142. As a result of Defendants' conduct described herein, Plaintiff has and will continue to suffer personal physical and psychological injuries, including but not limited to great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional

distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing faith in God, losing faith in authority figures, feeling estranged from the church, struggling with alcohol and substance problems, struggling with gainful employment and career advancement, feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, and feeling that his childhood and innocence was stolen. Plaintiff was prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiff is unable at this time to fully describe all the details of that abuse and the extent of the harm Plaintiff suffered as a result.

143. The Diocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

144. The School violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

145. The Church violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center

workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

146. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff, special, peculiar, and above and beyond those injuries and damages suffered by the public.

147. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

148. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

149. The Diocese knew, or was negligent in not knowing, that Monsignor Paddock posed a threat of sexual abuse to children.

150. The School knew, or was negligent in not knowing, that Monsignor Paddock posed a threat of sexual abuse to children.

151. The Church knew, or was negligent in not knowing, that Monsignor Paddock posed a threat of sexual abuse to children.

152. The acts of Monsignor Paddock described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

153. The acts of Monsignor Paddock described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the School.

154. The acts of Monsignor Paddock described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Church.

155. The Diocese owed Plaintiff a duty to protect Plaintiff from Monsignor Paddock's sexual deviancy, both prior to and/or subsequent to Monsignor Paddock's misconduct.

156. The School owed Plaintiff a duty to protect Plaintiff from Monsignor Paddock's sexual deviancy, both prior to and/or subsequent to Monsignor Paddock's misconduct.

157. The Church owed Plaintiff a duty to protect Plaintiff from Monsignor Paddock's sexual deviancy, both prior to and/or subsequent to Monsignor Paddock's misconduct.

158. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

159. The School's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

160. The Church's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

161. At all times material hereto, with regard to the allegations contained herein, Monsignor Paddock was under the direct supervision, employ and/or control of the Diocese.

162. At all times material hereto, with regard to the allegations contained herein, Monsignor Paddock was under the direct supervision, employ and/or control of the School.

163. At all times material hereto, with regard to the allegations contained herein, Monsignor Paddack was under the direct supervision, employ and/or control of the Church.

164. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

165. At all times material hereto, the School's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

166. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

167. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

168. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION,  
AND/OR DIRECTION**

169. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

170. The Diocese hired Monsignor Paddack.

171. The School hired Monsignor Paddack.

172. The Church hired Monsignor Paddack.

173. The Diocese hired Monsignor Paddack for a position that required him to work closely with, teach, mentor, and counsel young boys and girls.

174. The School hired Monsignor Paddack for a position that required him to work closely with, mentor, and counsel young boys and girls.

175. The Church hired Monsignor Paddack for a position that required him to work closely with, mentor, and counsel young boys and girls.

176. The Diocese was negligent in hiring Monsignor Paddack because it knew, or should have known through the exercise of reasonable care, of Monsignor Paddack's propensity to develop inappropriate relationships with children in his charge.

177. The School was negligent in hiring Monsignor Paddack because it knew, or should have known through the exercise of reasonable care, of Monsignor Paddack's propensity to develop inappropriate relationships with children in his charge.

178. The Church was negligent in hiring Monsignor Paddack because it knew, or should have known through the exercise of reasonable care, of Monsignor Paddack's propensity to develop inappropriate relationships with children in his charge.

179. Monsignor Paddack would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by the Diocese to teach, mentor and counsel children in the School.

180. Monsignor Paddack continued to molest Plaintiff while at the School.

181. Monsignor Paddack would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by the Diocese to teach, mentor and counsel children in the Church.

182. Monsignor Paddack continued to molest Plaintiff while at the Church.

183. Monsignor Paddack would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by School to teach, mentor and counsel children in the School.

184. Monsignor Paddack would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Church to teach, mentor and counsel children in the School.

185. Monsignor Paddack would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Church to teach, mentor and counsel children in the Church.

186. The harm complained of herein was foreseeable.

187. Plaintiff would have not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Monsignor Paddack and/or allowed Monsignor Paddack to remain in his position.

188. Plaintiff would have not suffered the foreseeable harm complained of herein but for the negligence of the School in having placed Monsignor Paddack and/or allowed Monsignor Paddack to remain in his position.

189. Plaintiff would have not suffered the foreseeable harm complained of herein but for the negligence of the Church in having placed Monsignor Paddack and/or allowed Monsignor Paddack to remain in his position.

190. At all times while Monsignor Paddack was employed or appointed by the Diocese, he was supervised by the Diocese and/or its agents and employees.

191. At all times while Monsignor Paddack was employed or appointed by the School, he was under the direction of, and/or answerable to, the School and/or its agents and employees.

192. At all times while Monsignor Paddack was employed or appointed by the Church, he was under the direction of, and/or answerable to, the Church and/or its agents and employees.



193. The Diocese was negligent in its direction and/or supervision of Monsignor Paddack in that it knew or should have known, through the exercise of ordinary care that Monsignor Paddack's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Paddack's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

194. The Diocese failed to take steps to prevent such conduct from occurring.

195. The School was negligent in its direction and/or supervision of Monsignor Paddack in that it knew, or should have known through the exercise of ordinary care, that Monsignor Paddack's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Paddack's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

196. The School failed to take steps to prevent such conduct from occurring.

197. The Church was negligent in its direction and / or supervision of Monsignor Paddack in that it knew, or should have known through the exercise of ordinary care, that Monsignor Paddack's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Paddack's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

198. The Church failed to take steps to prevent such conduct from occurring.

199. The Diocese was negligent in its retention of Monsignor Paddack in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop

inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

200. The Diocese retained Monsignor Paddock in his position as teacher, mentor, and counselor to such children and thus left him in a position to continue such behavior.

201. The School was negligent in its retention of Monsignor Paddock in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

202. The School retained Monsignor Paddock in his position as teacher, mentor, and counselor to such children and thus left him in a position to continue such behavior.

203. The Church was negligent in its retention of Monsignor Paddock in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

204. The Church retained Monsignor Paddock in his position as teacher, mentor, and counselor to such children and thus left him in a position to continue such behavior.

205. The Diocese was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the Diocese.

206. The Diocese was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the School.

207. The Diocese was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the Church.

208. The Diocese failed to take reasonable steps to prevent such events from occurring on its premises.

209. The School was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the School.

210. The School failed to take reasonable steps to prevent such events from occurring on its premises.

211. The Church was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the Church.

212. The Church failed to take reasonable steps to prevent such events from occurring on its premises.

213. The Church was further negligent in its retention, supervision, and/or direction of Monsignor Paddock in that Monsignor Paddock sexually molested Plaintiff on the premises of the School.

214. Monsignor Paddock would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a teacher, mentor, and counselor to the infant parishioners and/or students of the School, including Plaintiff.

215. Monsignor Paddock would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a teacher, mentor, and counselor to the infant parishioners and/or students of the Church, including Plaintiff.

216. Monsignor Paddock would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the School as a teacher, mentor, and counselor to the infant parishioners and/or students of the School, including Plaintiff.

217. Monsignor Paddock would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Church as a mentor and counselor to the infant parishioners and/or students of the Church, including Plaintiff.

218. Monsignor Paddock would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Church as a mentor and counselor to the infant parishioners and/or students of the School, including Plaintiff.

219. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY**

220. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

221. Through the position to which Monsignor Paddock was assigned by the Diocese, Monsignor Paddock was placed in direct contact with Plaintiff.

222. Through the position to which Monsignor Paddack was assigned by the School, Monsignor Paddack was placed in direct contact with Plaintiff.

223. Through the position to which Monsignor Paddack was assigned by the Church, Monsignor Paddack was placed in direct contact with Plaintiff.

224. Monsignor Paddack was assigned as a teacher at the School assigned to teach Plaintiff.

225. Monsignor Paddack was assigned as a teacher at the Church assigned to teach Plaintiff.

226. It was under these circumstances that Plaintiff was entrusted to the care of the School and - under its authority - came to be under the direction, control and dominance of Monsignor Paddack.

227. It was under these circumstances that Plaintiff was entrusted to the care of the Church and - under its authority - came to be under the direction, control and dominance of Monsignor Paddack.

228. As a result, Monsignor Paddack used his position to sexually abuse and harass Plaintiff.

229. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Diocese.

230. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the School.

231. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Church.

232. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Plaintiff.

233. Pursuant to its fiduciary relationship, the School was entrusted with the well-being, care, and safety of Plaintiff.

234. Pursuant to its fiduciary relationship, the Church was entrusted with the well-being, care, and safety of Plaintiff.

235. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Plaintiff.

236. Pursuant to its fiduciary relationship, the School assumed a duty to act in the best interests of Plaintiff.

237. Pursuant to its fiduciary relationship, the Church assumed a duty to act in the best interests of Plaintiff.

238. The Diocese breached its fiduciary duties to Plaintiff.

239. The School breached its fiduciary duties to Plaintiff.

240. The Church breached its fiduciary duties to Plaintiff.

241. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

242. At all times material hereto, the School's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

243. At all times material hereto, the Church's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

244. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

245. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY**

246. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

247. When Plaintiff was a minor, Plaintiff was placed in the care of the Diocese for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

248. As a result, there existed a non-delegable duty of trust between Plaintiff and the Diocese.

249. When Plaintiff was a minor, Plaintiff was placed in the care of the School for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

250. As a result, there existed a non-delegable duty of trust between Plaintiff and the School.

251. When Plaintiff was a minor, Plaintiff was placed in the care of the Church for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

252. As a result, there existed a non-delegable duty of trust between Plaintiff and the Church.

253. Plaintiff was a vulnerable child when placed within the care of the Diocese.

254. Plaintiff was a vulnerable child when placed within the care of the School.

255. Plaintiff was a vulnerable child when placed within the care of the Church.

256. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Monsignor Paddock's repeated sexual abuse of Plaintiff and stop it.

257. Consequently, the School was in the best position to prevent Plaintiff's abuse and to learn of Monsignor Paddock's repeated sexual abuse of Plaintiff and stop it.

258. Consequently, the Church was in the best position to prevent Plaintiff's abuse and to learn of Monsignor Paddock's repeated sexual abuse of Plaintiff and stop it.

259. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Plaintiff.

260. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the School, the School breached its non-delegable duty to Plaintiff.

261. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Church, the Church breached its non-delegable duty to Plaintiff.

262. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Diocese.

263. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the School.

264. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Church.

265. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.



266. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION: BREACH OF DUTY IN LOCO PARENTIS**

267. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

268. Plaintiff was a minor when his parents entrusted him to the control of the Diocese for the purpose of, *inter alia*, providing Plaintiff with an education.

269. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

270. As a result, the Diocese owed a duty to Plaintiff *in loco parentis*.

271. Plaintiff was a minor when his parents entrusted him to the control of the School for the purposes of, *inter alia*, providing Plaintiff with an education.

272. The School owed a duty to adequately supervise its students to prevent foreseeable injuries.

273. As a result, the School owed a duty to Plaintiff *in loco parentis*.

274. Plaintiff was a minor when his parents entrusted him to the control of the Church for the purposes of, *inter alia*, providing Plaintiff with an education.

275. The Church owed a duty to adequately supervise its students to prevent foreseeable injuries.

276. As a result, the Church owed a duty to Plaintiff *in loco parentis*.

277. The Diocese breached its duty *in loco parentis*.

278. The School breached its duty *in loco parentis*.

279. The Church breached its duty *in loco parentis*.

280. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

281. At all times material hereto, the School's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

282. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

283. As a direct result of the Diocese's conduct, Plaintiff has suffered the injuries and damages described herein.

284. As a direct result of the School's conduct, Plaintiff has suffered the injuries and damages described herein.

285. As a direct result of the Church's conduct, Plaintiff has suffered the injuries and damages described herein.

286. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

287. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

288. At the time Monsignor Paddock molested Plaintiff, which Monsignor Paddock knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Monsignor Paddock as Plaintiff's teacher, mentor, and counselor.

289. It was part of Monsignor Paddack's job as teacher, role model, and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

290. At the time Monsignor Paddack molested Plaintiff, which Monsignor Paddack knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the School employed Monsignor Paddack as Plaintiff's teacher, mentor, and counselor.

291. It was part of Monsignor Paddack's job as teacher, role model, and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the School about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

292. At the time Monsignor Paddack molested Plaintiff, which Monsignor Paddack knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Church employed Monsignor Paddack as Plaintiff's teacher, mentor, and counselor.

293. It was part of Monsignor Paddack's job as teacher, role model, and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the Church about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

294. The Diocese knew and/or disregarded the substantial probability that Monsignor Paddack's conduct would cause severe emotional distress to Plaintiff.

295. The School knew and/or disregarded the substantial probability that Monsignor Paddack's conduct would cause severe emotional distress to Plaintiff.

296. The Church knew and/or disregarded the substantial probability that Monsignor Paddack's conduct would cause severe emotional distress to Plaintiff.

297. Plaintiff suffered severe emotional distress, including psychological and emotional injury as described above.

298. This distress was caused by Monsignor Paddack's sexual abuse of Plaintiff.

299. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

300. The Diocese is liable for Monsignor Paddack's conduct under the doctrine of *respondeat superior*.

301. The School is liable for Monsignor Paddack's conduct under the doctrine of *respondeat superior*.

302. The Church is liable for Monsignor Paddack's conduct under the doctrine of *respondeat superior*.

303. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

304. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

305. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

306. As set forth at length herein, the actions of the School, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

307. As set forth at length herein, the actions of the Church, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

308. The Diocese's actions endangered Plaintiff's safety and caused him to fear for his own safety.

309. The School's actions endangered Plaintiff's safety and caused him to fear for his own safety.

310. The Church's actions endangered Plaintiff's safety and caused him to fear for his own safety.

311. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

312. As a direct and proximate result of the School's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

313. As a direct and proximate result of the Church's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

314. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Monsignor Paddack's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

315. At the time Monsignor Paddack breached his duty to Plaintiff, Monsignor Paddack was employed as Plaintiff's teacher, mentor, and counselor by the Diocese.

316. It was part of Monsignor Paddack's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch Plaintiff.

317. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the School is also liable for Monsignor Paddack's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

318. At the time Monsignor Paddack breached his duty to Plaintiff, Monsignor Paddack was employed as Plaintiff's teacher, mentor, and counselor by the School.

319. It was part of Monsignor Paddack's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the School about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch Plaintiff.

320. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Church is also liable for Monsignor Paddack's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

321. At the time Monsignor Paddack breached his duty to Plaintiff, Monsignor Paddack was employed as Plaintiff's teacher, mentor, and counselor by the Church.

322. It was part of Monsignor Paddack's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Monsignor Paddack used his position, and the representations made by the Church about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch Plaintiff.

323. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO REPORT  
ABUSE UNDER SOC. SERV. LAW §§ 413 and 420**

324. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

325. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

326. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the School had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

327. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Church had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

328. The Diocese, including but not limited to its teachers, administrators, and other school personnel, breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Monsignor Paddack of children in its care.

329. The School, including but not limited to its teachers, administrators, and other school personnel, breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Monsignor Paddack of children in its care.

330. The Church, including but not limited to its teachers, administrators, and other school personnel, breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Monsignor Paddock of children in its care.

331. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

332. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**NINTH CAUSE OF ACTION: BATTERY**

333. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

334. By the acts of Monsignor Paddock described hereinabove, Monsignor Paddock intentionally and maliciously sexually assaulted, battered, molested, abused, raped and otherwise injured Plaintiff.

335. The offensive and harmful contact of Monsignor Paddock as alleged herein was performed by Monsignor Paddock without the consent of Plaintiff.

336. At all times material hereto, Monsignor Paddock acted with reckless disregard for the safety and well being of Plaintiff.

337. At all times material hereto, Monsignor Paddock acted willfully, wantonly, maliciously, and recklessly.

338. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the School.



339. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Diocese.

340. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Church.

341. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

342. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**TENTH CAUSE OF ACTION: ASSAULT**

343. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

344. At all times material hereto, the acts of Monsignor Paddock described hereinabove placed Plaintiff in reasonable fear of harmful and injurious contact, including but not limited to further and continued intentional and malicious sexual assault, molestation, battery, abuse, and rape.

345. At all times material hereto, Monsignor Paddock acted with reckless disregard for the safety and well being of Plaintiff.

346. At all times material hereto, Monsignor Paddock acted willfully, wantonly, maliciously, and recklessly.

347. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the Diocese.

348. At all times material hereto, Monsignor Paddock was under the direct supervision, employ and/or control of the School.

349. At all times material hereto, Monsignor Paddack was under the direct supervision, employ and/or control of the Church.

350. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

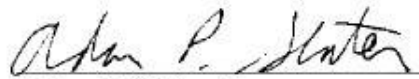
351. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.

**WHEREFORE**, it is respectfully requested that the Court grant judgment in this action in favor of the Plaintiff, and against the Defendants, in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

Plaintiff further places Defendants on notice and reserves the right that to interpose claims sounding in Fraudulent Concealment, Deceptive Practices and/or Civil Conspiracy should the facts and discovery materials support such claims.

Dated: New York, New York  
October 14, 2019

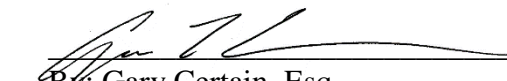
Yours, etc.,



Adam P. Slater, Esq.

SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-



By: Gary Certain, Esq.

CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
CARLOS GUERRERO,

Index No.:

Plaintiff,

**VERIFICATION**

-against-

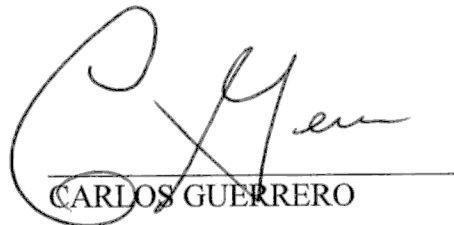
THE ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, THE INCARNATION SCHOOL, CHURCH OF  
THE INCARNATION, and MONSIGNOR JOHN  
PADDACK,Defendant(s).  
-----XSTATE OF NEW YORK                    }  
  } ss.  
COUNTY OF NEW YORK                }

CARLOS GUERRERO, being duly sworn, deposes and says:

I am the Plaintiff in the within action; that I have read the foregoing **Verified Summons and Complaint**, and know the contents thereof, that the same is true to the best of my own knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

Sworn before me this  
14<sup>th</sup> day of October, 2019

Notary Public

Ariel J. Cruz  
Notary Public State of New York  
No. 01CR6268732  
Qualified in New York County  
Commission Expires Sept. 17, 2020  
CARLOS GUERRERO

SUPREME COURT OF THE STATE NEW YORK  
COUNTY OF NEW YORK

-----X  
CARLOS GUERRERO,

Index No.:

Plaintiff,

- against -

THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK, THE INCARNATION SCHOOL,  
CHURCH OF THE INCARNATION, and  
MONSIGNOR JOHN PADDACK,

Defendants.

-----X

## **SUMMONS & VERIFIED COMPLAINT**

Slater Slater Schulman LLP  
*Attorneys For Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022

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(212)922-0906

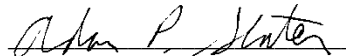
Certain & Zilberg, PLLC  
*Attorneys For Plaintiff*  
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New York, New York 10022

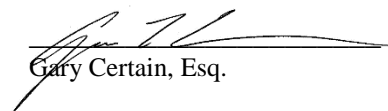
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(212)687-7800

### **CERTIFICATION**

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.

  
Adam P. Slater, Esq.

  
Gary Certain, Esq.